



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

James S. Gilmore, III  
Governor

John Paul Woodley, Jr.  
Secretary of Natural Resources

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Dennis H. Treacy  
Director

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### MINUTES

STATE WATER CONTROL BOARD  
March 26, 2001 - House Room C  
General Assembly Building  
Richmond, Virginia

#### Board Members Present:

Hunter E. Craig, Chairman	Karl F. Wenger
H. Preston Futrell, Jr.	Lance W. High
Gary H. Baise	

#### Board Members Absent:

Thomas V. Van Auken	vacant
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#### Staff Present:

Dennis H. Treacy, Director  
Department of Environmental Quality

Cindy M. Berndt  
Department of Environmental Quality

#### Attorney General's Office:

Rick Linker, Assistant Attorney General

- 1) The attached minutes summarize activities which took place at this Board Meeting.
- 2) The meeting was convened at 9:05 a.m. on Monday, March 26, 2001, voted to go into closed session at 9:05 a.m., returned to open session at 9:50 a.m., recessed from 11:35 a.m. to 11:35 a.m. and adjourned at 12:20 p.m.



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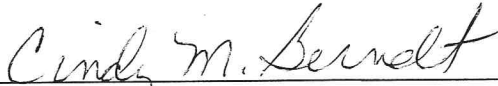
### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 26, 2001

#### MINUTE NO. 1 - Closed Session

Pursuant to the provisions of Section 2.1-344 (A) (7) of the Code of Virginia, the Board met in Closed Session to consider the following matters:

Hill Mobile Home Park  
Town of Tangier

Pursuant to Section 2.1-344.1 (D) of the Code of Virginia, the Board, by roll call vote, unanimously certified that only those matters identified above, which are lawfully exempted from the requirements of the Freedom of Information Act, were considered during Closed Session.

  
Cindy M. Berndt



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### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 26, 2001

#### MINUTE NO. 2 - Minutes

The Board approved the Minutes from the December 13, 2000 meeting.

  
Cindy M. Berndt



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### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 26, 2001

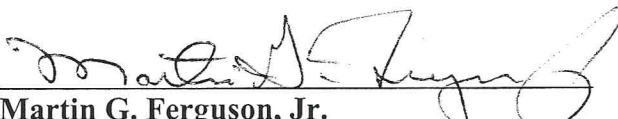
#### MINUTE NO. 3 - Permit Terminations

Martin G. Ferguson, Jr., Director of the Water Permits Program of the Department of Environmental Quality's Central Office introduced the staff recommendation concerning the termination of six permits.

#### Board Decision

Based on the briefing materials and the staff presentation and recommendations, the Board voted unanimously to approve the terminations of permits for:

Martin Marietta	VA0086690
Jordon Brothers Farm	VPA01041
Powhatan Ready Mix, Henrico Plant	VPA00557
Powhatan Ready Mix, Petersburg Plant	VPA00554
Powhatan Ready Mix, Goochland Plant	VPA00558
Powhatan Ready Mix, Chesterfield Plant	VPA00556



Martin G. Ferguson, Jr.  
Director, Water Permits Program





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### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 26, 2001

#### MINUTE NO. 4 – Significant Noncompliance

Kathleen F. O'Connell, Water Enforcement Program Coordinator of the Division of Enforcement Coordination, reported to the Board that seven major facilities were reported to EPA on the Quarterly Noncompliance Report (QNCR) as being in significant noncompliance (SNC) for the quarter ending December 31, 2001. The facilities and their SNC violations were reported as follows:

1. Permittee: **City of Galax, Galax STP**  
Type of Non-Compliance: **Overflows**  
Dates of Non-Compliance: **July, August, September, October, and November, 2000**  
Requirements Contained In: **SWCB Consent Special Order and VPDES Permit**

The City of Galax was also reported to EPA as an Exceptions List facility, having been reported as being SNC for two or more successive quarters. The OAG and the Department of Justice are negotiating the terms of a consent decree with Galax to address the subject instances of non-compliance.

2. Permittee: **City of Alexandria, Alexandria STP**  
Type of Non-Compliance: **Failure to Meet Effluent Limit (Biochemical Oxygen Demand)**  
Dates of Non-Compliance: **December, 2000**  
Requirements Contained In: **(Virginia) Court Order**

The City is upgrading its sewage treatment plant as required by federal court order. Certain interim effluent limits (including biochemical oxygen demand or BOD limits) apply to the plant as the result of a prior Virginia court order. During the period of upgrade the City's ability to perform certain maintenance tasks at the plant has been impaired due to space constraints resulting from construction. The staff of the Department's Northern Regional Office proposes to request that the OAG modify the effluent limits of the Virginia court order, for the period of construction, to address the possibility that the plant may periodically, until completion of construction, be unable to consistently meet BOD limits.

3. Permittee: **Department of Corrections, Coffeewood STP**  
Type of Non-Compliance: **Failure to Meet Effluent Limit (Final Chronic Toxicity)**  
Dates of Non-Compliance: **September and December, 2000**  
Requirements Contained In: **VPDES Permit**

An Executive Compliance Agreement was finalized on February 16, 2001 which addresses the referenced instances of non-compliance.

- |    |                            |   |
|----|----------------------------|---|
| 4. | Permittee:                 | <b>Honeywell International, Inc., Hopewell WWTP</b> |
|    | Type of Non-Compliance:    | <b>Failure to Meet Effluent Limit (Ammonia)</b>     |
|    | Dates of Non-Compliance:   | July and October, 2000                              |
|    | Requirements Contained In: | VPDES Permit  |

The staff of the Department's Piedmont Regional Office is negotiating a Consent Special Order with Honeywell that will address the referenced instances of non-compliance.

- |    |  |
|----|--|
| 5. | Permittee: <b>Perdue Farms, Inc., Perdue WWTP</b><br>Type of Non-Compliance: <b>Failure to Meet Effluent Limits (Ammonia, Whole Effluent Toxicity)</b><br>Dates of Non-Compliance: <b>August and September, 2000 (Ammonia); October and December, 2000 (Whole Effluent Toxicity)</b><br>Requirements Contained In: <b>VPDES Permit</b> |
|----|--|


The staff of the Department's Tidewater Regional Office is negotiating a Consent Special Order with Perdue that addresses the referenced instances of non-compliance.

- |    |   |   |
|----|---|---|
| 6. | Permittee:<br>Type of Non-Compliance:<br>Dates of Non-Compliance:<br>Requirements Contained In: | <b>Town of Clifton Forge, Clifton Forge STP</b><br><b>Failure to Meet Schedule Item (Schedule of Construction)</b><br>June, July and August, 2000<br>SWCB Consent Special Order |
|----|---|---|

Because the failure to meet the interim schedule item will not impact the completion date of the project, the staff of the Department's West Central Regional Office does not propose enforcement action at this time.

- |    |   |  |
|----|---|--|
| 7. | Permittee:<br>Type of Non-Compliance:<br><br>Dates of Non-Compliance:<br>Requirements Contained In: | <b>City of Bedford, Bedford STP</b><br><b>Failure to Meet Schedule Item (Compliance with Final Effluent Limits)</b><br>March, April, May, June, July and August, 2000<br>Consent Special Order |
|----|---|--|

The staff of the Department's West Central Regional Office is negotiating a Consent Special Order that will address the referenced instances of non-compliance.

  
Kathleen F. O'Connell  
Water Enforcement Program Coordinator  
Division of Enforcement Coordination



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### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 26, 2001

#### MINUTE NO. 5 – Cancellation of Consent Special Orders

Kathleen F. O'Connell, Water Enforcement Program Coordinator of the Division of Enforcement Coordination, presented to the Board three consent special orders for cancellation. The orders were issued to:

1. R. T. Elder Concrete Company, Inc. - Issued January 13, 1995
2. Town of Alberta - Issued October 8, 1999
3. TA Operating Corporation, d/b/a Travel Centers of America - Issued December 14, 2000

The Board unanimously approved cancellation of the referenced orders.

A handwritten signature in black ink, reading "Kathleen F. O'Connell".

Kathleen F. O'Connell  
Water Enforcement Program Coordinator  
Division of Enforcement Coordination





**COMMONWEALTH of VIRGINIA**  
**DEPARTMENT OF ENVIRONMENTAL QUALITY**

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Dennis H. Treacy  
Director

Gregory L. Clayton  
Regional Director

**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT  
ITS MEETING ON MARCH 26, 2001**

**MINUTE NO. 6 – NVRO - Consent Special Orders**

The Department of Environmental Quality's ("DEQ") Northern Virginia Regional Office ("NVRO") presented three proposed amended Consent Special Orders and three proposed Consent Special Orders for the Board's consideration.

Ms. Elizabeth Anne Crosier of the DEQ NVRO made the staff presentation concerning the proposed Orders. Following the presentation, Ms. Crosier made the staff recommendations regarding the proposed Orders.

The first proposed amended Order includes a schedule for constructing a new wastewater treatment plant ("WWTP") and provides the existing WWTP with interim effluent limits for ammonia until the new WWTP is on-line. The amended Order also requires that South Wales Utility, Inc. pay a civil charge of \$2,200 for violations of Permit effluent limits for total suspended solids. The public comment period ended on December 6, 2000, and DEQ received comments from Culpeper County requesting that the proposed amended Order be revised to include milestones for local government approval of the construction of the new plant. The amended Order was revised to address the County's comments.

The second proposed amended Order requires the Town of Hamilton to connect water treatment plant outfall 002 to the Hamilton sewage treatment plant by December 31, 2001, and provides the outfall interim effluent limits for total suspended solids and total residual chlorine until the connection is completed. The proposed amended Order also requires that the suspended civil charge of \$3000 become due on January 30, 2002, if the Town has not completed the connection by December 31, 2001.

The third proposed amended Order requires the Town of Lovettsville to complete construction of the Lovettsville sewage treatment plant by September 15, 2001, and achieve compliance with final

Permit effluent limits by December 31, 2001 and provides interim effluent limits for carbonaceous biological oxygen demand, ammonia, total suspended solids, and dissolved oxygen until the construction is completed. The proposed amended Order also requires that the suspended civil charge of \$2000 become due on December 31, 2001, if the Town of Lovettsville has not demonstrated compliance with the amended Order by that date.

The first proposed Order requires that the Caroline County School Board connect the Bowling Green Elementary School discharge to the Town of Bowling Green sewage treatment plant and take the Elementary School sewage treatment plant offline by March 2002. The proposed Order also provides the Elementary School sewage treatment plant with interim effluent limits for biological oxygen demand, total suspended solids, and ammonia until the connection is completed.

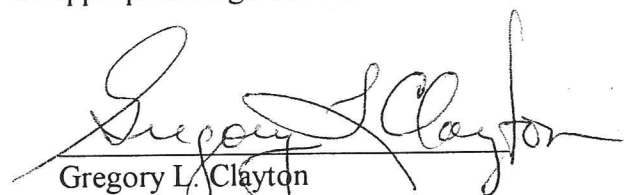
The second proposed Order requires that Caroline County connect the Bowling Green Primary School discharge to the Town of Bowling Green sewage treatment plant and take the Primary School sewage treatment plant offline by March 2002. The proposed Order also provides the Elementary School sewage treatment plant with interim effluent limits for biological oxygen demand, total suspended solids, and ammonia until the connection is completed.

The third proposed Order requires that the Stafford County School Board construct a new sewage treatment plant for the Hartwood Elementary School by September 30, 2001, and provides interim effluent limits for the existing sewage treatment plant until the construction of the new plant is complete and the existing plant is taken off-line.

### **Decision**

Based on the briefing material and the staff presentation and recommendations, the Board voted unanimously to:

1. Approve the proposed amended Consent Special Orders and the proposed Consent Special Orders;
2. Authorize the Director or his designee to sign the Orders on the Board's behalf; and
3. Authorize the Director or his designee to refer violations of the Orders to the Attorney General's Office for appropriate legal action.

  
Gregory L. Clayton  
Regional Director  
Northern Virginia Region





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Dennis H. Treacy  
Director

Gregory L. Clayton  
Regional Director

### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 26, 2001

#### **MINUTE NO. 7 - NVRO    VPDES Permit VA0082911 Hill Mobile Home Park and New Yorker Restaurant STP**

The Department of Environmental Quality's ("DEQ") Northern Virginia Regional Office ("NVRO") presented one permit application for the Board's consideration.

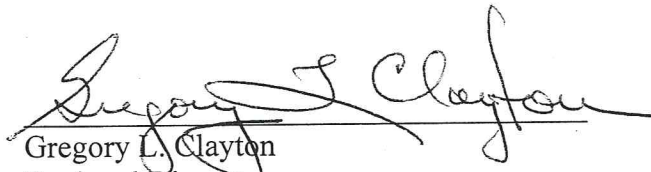
Mr. Gregory L. Clayton of the DEQ NVRO made the staff presentation concerning the application. Following the presentation, Mr. Clayton made the staff recommendation regarding the application.

This issue concerned an application for the reissuance of the subject permit. The Department had published a public notice regarding its intent to recommend the denial of the request for reissuance of this permit. The recommendation was based upon a long standing history of non-compliance with the existing permit and Consent Special Order. After summarizing the background of the case, a recommendation was made to the Board to deny the request for reissuance of the VPDES permit.

The Board heard arguments and pleas from the applicant and from the tenants of the mobile home park to extend the existing permit so as to give the owner time to build a new STP. It was pointed out that if this permit was not reissued, there was a possibility that the owner would close the mobile home park, thereby forcing the tenants to relocate. After much discussion the following motion was made: "Staff is to draft a permit for the existing STP and simultaneously prepare a Consent Special Order; the terms of each are not to exceed 12 months."

## **Decision**

The Board unanimously voted to approve the motion and directed staff to have both items ready for the Board's consideration at its next meeting.



Gregory L. Clayton  
Regional Director  
Northern Virginia Region



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Director

Gerard Seeley, Jr.  
Piedmont Regional Director

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD  
AT ITS MEETING ON MARCH 26, 2001

MINUTE NO. 8 - Consent Special Orders with Penalty Settlements

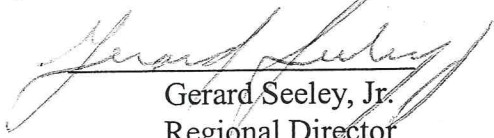
Mr. James Golden, Piedmont Regional Office, introduced the staff recommendation concerning the proposed Consent Special Order Settlement for Belding Hausman Incorporated (Weldon Mill Plant).

The proposed Order addresses effluent violations, reporting errors, and non-submittals of permit requirements. DEQ inspections revealed that the mill's sampling technique was not representative of the discharge and that the discharge structure was in need of repair. The proposed Order requires the mill to notify the Department 48 hours prior to discharge for inspection purposes. The mill must also repair or reconstruct a new permanent siphon structure to draw off effluent from the system. In addition, the mill must develop an approvable Operations and Maintenance manual for Outfall 001 to address operation of the discharge. The Order also requires the payment of a \$6,000 civil charge.

**Board Decision**

Based on the staff presentation and recommendations, the Board voted unanimously to:

1. approve the Consent Special Order for :  
Belding Hausman, Inc. (Weldon Mill Plant)
2. authorize the Director or his designee to sign the Order on its behalf; and
3. authorize the Director or his designee to refer any violation of this Order to the Attorney General's Office for appropriate legal action.

  
Gerard Seeley, Jr.  
Regional Director



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Francis L. Daniel  
Tidewater Regional Director

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### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 26, 2001

#### MINUTE NO. 9 – TRO Consent Special Order

Maria R. Nold, Environmental Program Planner in the Department of Environmental Quality's Tidewater Regional Office introduced the staff recommendation for a proposed consent special order for the Town of Tangier. The order addresses previous violations of the air, waste, and water laws and regulations by requiring that Tangier contract with Maryland Environmental Services to oversee the operation and maintenance of the wastewater treatment plant and other utilities. In addition, the order provides for modification of the Town's budget structure and revenue stream to support utility operation and maintenance. Monies from the Construction Assistance Program are available if needed for wastewater treatment plant and water supply system equipment repair or replacement.

#### Board Decision

Based on the staff recommendation, the Board voted unanimously to:

1. approve the consent special order for the Town of Tangier;
2. authorize the Director or his designee to sign the order on its behalf; and
3. authorize the Director or his designee to refer any violation of the order to the Attorney General's Office for appropriate legal action.

Francis L. Daniel  
Tidewater Regional Office





# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 26, 2001

#### **MINUTE NO. 10 - VRO - Consent Orders with Civil Charges**

Edward A. Liggett, Valley Regional Office Compliance/ Enforcement Specialist Senior, made brief staff presentations and introduced the staff recommendations concerning proposed VRO Consent Special Orders with civil charges for Empire Development and Management and Bridor Enterprises.

Empire Management and Development owns and operates a pump station serving the Woodbrook Shopping Center in Albemarle County, Virginia. The Facility has a designed emergency bypass point that, in the event of pump failure, discharged untreated wastewater to an unnamed tributary to the South Fork of the Rivanna River in the James River basin.

On July 13, 2000, DEQ staff conducted an investigation of an apparent ongoing discharge of sewage from the facility. DEQ found that the facility was experiencing an unpermitted discharge to State waters resulting from a pump failure in the pump station. This discharge of raw sewage entered an unnamed tributary to the South Fork of the Rivanna River. DEQ staff also conducted stream sampling which demonstrated that the fecal coliform water quality standards were exceeded in the unnamed tributary to the South Fork of the Rivanna River below the pump station's overflow point. The results of this investigation and sampling indicated that State waters had been adversely impacted by the pump station's discharge.

The Order requires Empire Management and Development to provide upgrades to the pump station. The Order also requires Empire Management and Development to pay a civil charge of \$3850.



Bridor Enterprises, Inc. owns and operates a wastewater treatment facility serving the Fairfield Square shopping center in Rockbridge County, Virginia, which is the subject of VPDES Permit No. VA0089885. The Facility discharges treated wastewater to an unnamed tributary to Marlbrook Creek in the Upper James River basin.

The Bridor Enterprises, Inc. wastewater treatment facility's hydraulic capacity was designed and permitted for 13,000 gallons per day daily flow. This design was in accordance with the VDH Sewage Handling & Disposal Regulations and the Sewage Collection and Treatment Regulations. The present daily flow is approximately 1,000 gallons per day.

Since April 1998 this facility has experienced difficulty complying with the Permit's effluent limitations for BOD and TKN.

The Order requires Bridor to provide corrective actions to ensure that the plant can meet the final effluent limitations contained in the Permit. The Order also requires Bridor to pay a civil charge of \$2380.

### **Board Decision**

Based on the staff presentation and recommendation, the Board voted to:

1. unanimously approve the Consent Special Order with civil charges for Bridor Enterprises, Inc.;
2. approve the Consent Special Order with civil charges for Empire Management and Development with Hunter Craig recusing himself from the vote;
2. unanimously authorize the Director or his designee to sign the Orders on its behalf; and
3. unanimously authorize the Director or his designee to refer any violation of these Orders to the Attorney General's Office for appropriate legal action.

  
R. Bradley Chowning, P.E.  
Regional Director  
Valley Regional Office



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**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD  
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**MINUTE NO. 11 – HRRSA – North River WWTF**

Valerie Rourke, Water Permit Writer at the DEQ, Valley Regional Office, made a presentation regarding the proposed reissuance of VPDES Permit No. VA0060640 to the Harrisonburg-Rockingham Regional Sewer Authority (HRRSA) for the North River WWTF. A hearing regarding this proposed permit reissuance was held on February 28, 2001. The hearing was held due to objections which focused on sludge land application activities to be reauthorized by the permit upon reissuance.

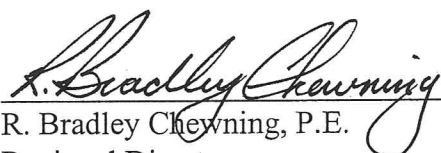
Ms. Rourke referred to the agenda item materials in the Board books, which contained information that was presented at the public hearing, additional comments received during the hearing and the staff's responses to all comments grouped into six categories. No new legal or technical information was received prior to or as a result of the public hearing to cause any changes to the draft permit.

Following her presentation, Ms. Rourke informed the Board that the permittee, Curtis Poe, Executive Director of HRRSA, was present and available to answer any questions they may wish to ask him pertaining to the proposed permit reissuance. The Board asked Mr. Poe if he wished to speak and he declined. No other persons or parties requested to speak or comment to the Board. Subsequently, the Board requested staff's recommendations regarding the facility's permit.

Ms. Rourke recommended that the Board authorize the reissuance of VPDES Permit No. VA0060640 for the North River WWTF, as drafted.

**Board Decision**

Based on their review of the relevant documentation and the presentation made by Ms. Rourke, the Board voted unanimously to reissue VPDES Permit No. VA0060640.

  
\_\_\_\_\_  
R. Bradley Chewning, P.E.  
Regional Director  
Valley Regional Office



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### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 26, 2001

#### MINUTE NO. 12 - Consent Special Order With Civil Charges

Dallas Sizemore of the Department of Environmental Quality, Southwest Regional Office introduced the staff recommendations concerning the proposed Consent Special Order for Quick Superette #2.

Quick Superette #2 had failed 1) to upgrade underground storage tanks to meet the December 1998 deadline, 2) to install leak detection on tanks and lines, and 3) to properly close galvanized steel piping and an out-of-service kerosene tank.

To remedy this situation the Board was presented with a Consent Special Order that required Quick Superette #2 to submit confirmation that the following actions had been accomplished: 1) site closure assessment for the galvanized steel piping, 2) site closure assessment for the 2000 gallon kerosene tank, 3) upgrade, replacement or closure of the existing gasoline underground tank systems, 4) submittal of release detection records for the tanks and piping, and 5) submittal of the underground storage tank updated registration forms. The order also required Quick Superette to pay a \$4,000 civil charge.

#### Board Decision

Based on the staff recommendations, the Board unanimously voted to:

1. approve the Consent Special Order for:  
Quick Superette # 2,
2. authorize the Director or his designee to sign the Order on its behalf; and
3. authorize the Director or his designee to refer any violations of the Order to the Attorney General's Office for appropriate legal action.

A handwritten signature in black ink, appearing to read "Michael D. Overstreet".

Michael D. Overstreet  
Regional Director





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Dennis H. Treacy  
Director

Richard F. Weeks, Jr.  
Regional Director

### **MINUTE NO. 13 - West Central Regional Office Consent Special Orders**

Rick Weeks of the Department of Environmental Quality, West Central Regional Office introduced the staff recommendations concerning the proposed Consent Special Orders for the City of Radford, Boonsboro Country Club, Morans Mobile Home Park, and Smith Mountain Lake 4-H Educational Conference Center.

#### **Board Decision**

Based on the staff recommendations, the Board voted unanimously to:

1. Approve the Consent Special Orders for:  
  
The City of Radford  
Boonsboro Country Club  
Morans Mobile Home Park  
Smith Mountain Lake 4-H Educational Conference Center
2. Authorize the Director or his designee to sign the Orders on its behalf; and
3. Authorize the Director or his designee to refer any violations of the Orders to the Attorney General's Office for appropriate legal action.

  
Rick Weeks  
Regional Director  
West Central Regional Office





# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

Dennis H. Treacy  
Director

James S. Gilmore, III  
Governor

John Paul Woodley, Jr.  
Secretary of Natural Resources

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### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 26, 2001

#### MINUTE NO. 14 – WQS- Tier III Petitions

Jean Gregory of the Office of Water Quality Programs referred the Board to Tab 13 of the agenda book and advised the Board that all six Tier III petitions were deemed complete. She handed out a letter received from the Environmental Protection Agency Region III that provided information required by DEQ Public Participation Guidelines on the impact of their petitions to designate Passage Creek, the Upper Rapidan River, Little Stoney Creek, Whitetop Laurel Creek and Bottom as Tier III, Exceptional Waters. In response to a request presented by Ms. Gregory on behalf of the Isle of Wight Citizens Association, the Board Chairman asked the members of the Association present in the audience to stand in recognition of their support of the Ragged Island Creek Tier III petition.

#### Decision

Based on the briefing material and the staff presentation and recommendation, the Board by unanimous vote, directed staff to:

1. Proceed with notification to the localities and riparian landowners who would be potentially impacted by an exceptional waters designation and to provide these potentially impacted parties a 60 day opportunity for comment,
2. Include in the notification to the localities and riparian landowners an explanation that the Board is uncertain of the impact resulting from an Exceptional Waters designation due to the ongoing triennial review rulemaking which we expect will revise the antidegradation provisions of the Virginia Water Quality Standards; and,

3. Appear before the Board within the 180 day time period to provide a summary of comments from potentially impacted localities and riparian landowners and an update on the status of triennial review amendments in connection to the antidegradation policy so that the Board can at that time decide what course of action to take on the petitions.



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Larry G. Lawson, P.E.

Director, Division of Water Program Coordination



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### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 26, 2001

**MINUTE NO.15 -** Permanent Regulation to Replace Emergency Regulation 9 VAC 25-650-10 et seq., Closure Plans and Demonstration of Financial Capability.

The staff presented a proposed permanent regulation to replace existing emergency regulation 9 VAC 25-650-10 *et seq.* An addendum including changes made to the regulation as a result of legislative review was also presented to the Board.

Staff recommended that the Board authorize staff to proceed with publication of the proposed regulation for public participation and public hearing, including the addendum provided at the Board meeting.

#### Board Decision

The Board voted to proceed with publication of the proposed regulation to replace emergency regulation 9 VAC 25-650-10 *et seq.*, Closure Plans and Demonstration of Financial Capability, for public participation and public hearing, including the addendum provided at the Board meeting.

Larry G. Lawson, P.E.  
Director, Division of Water Program Coordination



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### EXCERPT FROM THE PROCEEDINGS OF THE BOARD AT ITS MEETING ON MARCH 26, 2001

**MINUTE NO. 16 - 9 VAC 25-110-10 et seq. General Virginia  
Pollutant Discharge Elimination System  
(VPDES) Permit Regulation for Domestic  
Sewage Discharges of Less Than or Equal To  
1,000 Gallons Per Day**

Lily Choi recommended that the Board adopt the amended regulation that was presented in their meeting package and that the Board will receive, consider or respond to petitions by any interested person at any time with respect to reconsideration or revision of this regulation.

#### Board Decision

The Board voted unanimously to adopt the amended General VPDES Permit Regulation for Domestic Sewage Discharges of Less Than or Equal To 1,000 Gallons Per Day.

A handwritten signature in cursive script, reading "Larry G. Lawson".

Larry G. Lawson, P.E.

Director

Division of Water Program Coordination





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### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 26, 2001

#### MINUTE NO. 17 - 9 VAC 25-115-10 et seq., General Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation for Seafood Processing Facilities

The staff presented a final regulation amendment to reissue the Seafood Processing Facility General Permit and recommended that the Board adopt the regulation as amended.

#### Board Decision

The Board voted to adopt the General Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation for Seafood Processing Facilities, 9 VAC 25-115-10 et seq., as amended, and to receive, consider and respond to petitions by any interested persons at any time with respect to reconsideration or revision of this regulation.

  
Larry G. Lawson, P.E.  
Director, Water Division



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### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 26, 2001


#### MINUTE NO. 18 - Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation, 9 VAC 25-31-10 et seq.

The Board had been provided a revised draft regulation and a memorandum summarizing the proposed changes prior to the meeting.

This rulemaking was proposed as a technical amendment to the regulation necessary to bring it into conformance with applicable federal regulations. As such, it was exempt from Article 2 of the Administrative Process Act (ref. § 9-6.14:4.1C4(c)).

#### Board Decision

Based on the briefing material and the staff presentation, the Board voted unanimously to adopt the amendments to the VPDES Permit Regulation, 9 VAC 25-31-10 et seq., as presented by the staff. Pursuant to the Administrative Process Act, the Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision of this regulation.

  
Larry G. Lawson, P.E.  
Director, Water Program Coordination



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### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 26, 2001

#### MINUTE NO. 19 – Water Quality Standards – Dissolved Oxygen

Staff referred the Board to Tab 18 and handed out a one-page substitution for page three of the amendments. This change was made in response to EPA comments. EPA said the board must remove the statement "*these dissolved oxygen concentrations do not constitute a violation of the numerical water quality criteria*". Staff replaced this statement with "*the board shall list waters as naturally impaired in accordance with 62.1-44.19:5.C*".

Staff requested the Board adopt amendments to the Water Quality Standards Regulation at 9 VAC 25-260-50 and 55 as described at Tab 18 with the one substitution described. These amendments describe an implementation procedure for dissolved oxygen criteria in waters naturally low in dissolved oxygen

#### **Decision:**

Based upon the information provided to the Board and the staff recommendation, the Board by an unanimous vote adopted the amendments to the Water Quality Standards at 9 VAC 25-260-50 and 55

A handwritten signature in black ink, appearing to read "Larry G. Lawson".

Larry G. Lawson, P.E.

Director, Division of Water Program Coordination



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### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 26, 2001

#### Minute No. 20 – Public Forum

No one appeared during the public forum.

  
Cindy M. Berndt





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### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 26, 2001

#### MINUTE NO. 21 - Future Meetings

The Board confirmed June 6, 2001 as the date for the next regular meeting.

  
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Cindy M. Berndt